REMARKS

1. Applicant has attached copies of:

- UTILITY PATENT APPLICATION TRANSMITTAL, Form PTO/SB/05 (4/98);

5
- Filing Receipt;
- Express Mail Certificate EL540887070US; and
- Patent and Trademark Office (PTO) acknowledgement postcard (as sent and as date stamped by the USPTO;

as originally filed with the present Application.

10

As seen in the UTILITY PATENT APPLICATION TRANSMITTAL, Form PTO/SB/05 (4/98), as included with the Application as filed, the present Application is a Continuation Application of prior U.S. Patent Application 09/272,937, which was examined by J. Cardone in Group/Art Unit 2756.

15

Applicant therefore submits that a claim for priority under to the earlier filed U.S. Application was provided at the time of filing.

Applicant has amended the Specification, to note that the present application is a
20 Continuation Application of and claims priority to U.S. Application No. 09/272,798, filed 19 March 1999, entitled *Method and Apparatus for Computed Relevance Messaging*, issued on 03 July 2001 as U.S. Patent No. 6,256,664, which claims priority from U.S. Provisional Application No. 60/098,798, entitled *Computed-Relevance Messaging with AdviceNet*, filed 01 September 1998.

25

Applicant submits that, while the reference to the Claim for Priority within the Specification was unintentionally delayed, the reference to the Application as a Continuation Application to prior U.S. Patent Application 09/272,937 was adequately provided at the time of filing, within UTILITY PATENT APPLICATION
30 TRANSMITTAL, Form PTO/SB/05 (4/98).

2

35 U.S.C. § 103. Claim Rejections.

4. Claims 1-16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ferguson et al., U.S. Patent No. 5,649,186 (hereinafter Ferguson), in view of Liu et al., U.S. Patent No. 5,649,186 (hereinafter Liu).

5

Applicant notes that Liu et al., U.S. Patent No. 5,649,186, was filed on 30 September 1999.

Applicant submits that the present Application is a Continuation Application of and
10   properly claims priority to U.S. Application No. 09/272,798, filed 19 March 1999, entitled *Method and Apparatus for Computed Relevance Messaging*, issued on 03 July 2001 as U.S. Patent No. 6,256,664, which claims priority from U.S. Provisional Application No. 60/098,798, entitled *Computed-Relevance Messaging with AdviceNet*, filed 01 September 1998.

15

Applicant therefore submits that a rejection under 35 U.S.C. §103(a) as being unpatentable over Ferguson et al. in view of Liu et al. is improper, as the present Application properly claims a priority date which is earlier than the earliest priority date of Liu et al.

20

5. As per Claims 1 and 8, the Office Action states that "Ferguson discloses a communications system (col. 1, lines 6-10), comprising:

an advice provider which broadcasts information over a communications medium (news/information feeds, col. 3, lines 39-60) to a plurality of advice consumers (end
25   users, col. 3, lines 60-65),

an advice consumer of said plurality of advice consumers (end users, lines 60-65) for gathering said broadcast information from said communications medium (col. 4 lines 61-63 and col. 5, lines 15-45); and

a reader associated with said advice consumer for determining relevance of said
30   broadcast information (col. 4, lines 60-65; and col. 5, lines 1-5) to said advice consumer;

3

wherein said advice consumer is advised of said information only if said information meets certain predetermined relevance criteria (fig 5; col. 5, lines 1-14; and col. 5, lines 15-45)."

5   The Office Action also states that "Ferguson discloses a centralized site to determine the relevance of the information and provides customized documents to each end user, where as the advice provider broadcast information to advice users."

In regard to Claim 1 and Claim 8, the Office Action concedes that "Ferguson does 10   not explicitly teach irrespective of actual relevance of said information to said plurality of advice consumers."

In regard to Claims 1-6 and 8-14, as discussed above, a rejection under 35 U.S.C. §103(a) as being unpatentable over Ferguson et al. in view of Liu et al. is improper, 15   as the present Application properly claims a priority date which is earlier than the earliest priority date of Liu et al.

In regard to Ferguson alone, Ferguson teaches a system and computer-based method for providing a dynamic information clipping service, wherein an end user 20   creates a template of topics of interest via a graphical user interface and **the template is transmitted to a central site for processing**, as seen at least in the Abstract; in col. 1, lines 53-58; and in Figure 1. **At the central site**, information relating to a base of knowledge is collected, parsed, indexed and **stored in an information repository**. ·**The template is then processed** by parsing and 25   collecting command-strings relating to the topics of interest found within the parsed template. The information repository is searched and an HTML page is created using the sorted query results. The page is then made available to the end user for viewing.

30   Claim 1, as currently presented, claims a "communications system, comprising:
        an advice provider which broadcasts information over a communications medium to a plurality of advice consumers, irrespective of actual relevance of said information to said plurality of advice consumers;

4

an advice consumer of said plurality of advice consumers for gathering said broadcast information from said communications medium; and

a reader associated with said advice consumer for determining relevance of said broadcast information to said advice consumer;

5   wherein said advice consumer is advised of said information only if said information meets certain predetermined relevance criteria.

Applicant submits that Ferguson does not teach, *inter alia*, "an advice provider which broadcasts information over a communications medium to a plurality of advice

10   consumers, irrespective of actual relevance of said information to said plurality of advice consumers".   As well, there is no suggestion, express or implied, that Ferguson be modified to meet Claim 1.

Claim 8, as currently presented, claims, "in a system including computational devices

15   connected by a communications network, a communications apparatus for linking an information provider to information consumer, comprising:

specific units of advice to be shared;

digital documents conveying said advice;

an advice provider for broadcasting said advice in the form of advisories to a

20   plurality of advice consumers;

an advice consumer of said plurality of advice consumers for receiving said advisories;

wherein advisories are broadcast over said communications network from said advice provider to said advice consumer; and

25   a communications protocol for narrowly-focused targeting of said advisories to said advice consumer by automatically matching advisories with said plurality of advice consumers for whom said advisories are potentially relevant.

Applicant submits that Ferguson does not teach, *inter alia*, "an advice provider for

30   broadcasting said advice in the form of advisories to a plurality of advice consumers" in combination with "a communications protocol for narrowly-focused targeting of said advisories to said advice consumer by automatically matching advisories with said plurality of advice consumers for whom said advisories are potentially relevant".

5

As well, there is no suggestion, express or implied, that Ferguson be modified to meet Claim 8.

Applicant therefore submits that Claim 1 and Claim 8, as currently presented,
5   overcome any rejection under 35 U.S.C. §103(a) as being unpatentable over Ferguson. As Claims 2-6 depend from Claim 1, and as claims 9-14 depend from Claim 8, and inherently include all the limitations of the Claims from which they depend, they are seen to be patentable as well.

10   **11.** The Office Action states "As per Claim 7, the claim is rejected for the same reasons as claim 1, above. In addition, Liu discloses message is broadcast to advice consumers to whom it is potentially relevant without requiring that said device consumers divulge their identity or attributes or message-related relevance information to said advice provider (col. 6, lines 39-50 and col. 2, lines 45-67 and col.
15   22, lines 25-35)".

As discussed above, the current rejection under 35 U.S.C. §103(a) as being unpatentable over Ferguson et al. in view of Liu et al. is improper, as the present Application properly claims a priority date which is earlier than the earliest priority
20   date of Liu et al.

Claim 7, as currently presented, claims a "communications method, comprising the steps of:
     preparing a message at an advice provider location;
25   broadcasting said message to potential advice consumers anonymously using a network;
     processing said message at an advice consumer location;
     determining whether said message is relevant to said advice consumer;
     wherein said message is broadcast to advice consumers to whom it is potentially
30   relevant without requiring that said advice consumers divulge their identity or attributes or message-related relevance information to said advice provider."

6

In regard to Ferguson alone, as discussed above, Ferguson teaches a system and computer-based method for providing a dynamic information clipping service, wherein an end user creates a template of topics of interest via a graphical user interface and **the template is transmitted to a central site for processing**, as
5   seen at least in the Abstract; in col. 1, lines 53-58; and in Figure 1. **At the central site, information relating to a base of knowledge is collected, parsed, indexed and stored in an information repository. The template is then processed** by parsing and collecting command-strings relating to the topics of interest found within the parsed template. The information repository is searched and an HTML page is
10   created using the sorted query results. The page is then made available to the end user for viewing.

In regard to Claim 7, Ferguson does not disclose, *inter alia*, that a "message is broadcast to advice consumers to whom it is potentially relevant without requiring
15   that said advice consumers divulge their identity or attributes or message-related relevance information to said advice provider." As well, there is no suggestion, express or implied, that Ferguson be modified to meet Claim 7. It would also take significant modification and undue experimentation, not taught by Ferguson, to meet Claim 7, as previously presented.
20

Applicant therefore submits that Claim 7, as previously presented, overcomes any rejection under 35 U.S.C. §103(a) as being unpatentable over Ferguson.

18. The Office Action states "As per Claim 15-16, claims 15-16 have similar
25   limitations as claims 8-14. Therefore they are rejected under Ferguson for the same reasons set forth in the rejection of Claims 8-14.

As discussed above, the current rejection under 35 U.S.C. §103(a) as being unpatentable over Ferguson et al. in view of Liu et al. is improper, as the present
30   Application properly claims a priority date which is earlier than the earliest priority date of Liu et al.

Claim 15, as originally filed, claims "a communications apparatus, comprising:

7

an advisory comprising:

a relevance clause comprising an assertion about the state of an advice consumer computer, its contents, or environment which can be automatically evaluated by comparing said assertion with said advice consumer computer's actual

5   state;

a message associated with said relevance clause whose suitability for the consumer is determined at least partially by the evaluation of said relevance clause;

a gatherer for assuring that relevance clauses flow into said advice consumer computer from various locations;

10   a watcher for evaluating relevance clauses by comparing them with an actual state of an advice consumer environment, and by inspecting properties of said advice consumer computer and its environment and checking if these point towards or away from relevance; and

a notifier for displaying messages to an advice consumer under at least partial

15   guidance of an evaluated relevance clause."

As discussed above, Ferguson teaches a system and computer-based method for providing a dynamic information clipping service, wherein an end user creates a template of topics of interest via a graphical user interface and **the template is**

20   **transmitted to a central site for processing**, as seen at least in the Abstract; in col. 1, lines 53-58; and in Figure 1. **At the central site**, information relating to a base of knowledge is collected, parsed, indexed and **stored in an information repository. The template is then processed** by parsing and collecting command-strings relating to the topics of interest found within the parsed template. The

25   information repository is searched and an HTML page is created using the sorted query results. The page is then made available to the end user for viewing.

In regard to Ferguson alone, Applicant submits that Ferguson is silent in regard to a relevance clause which comprises "an assertion about the state of an advice

30   consumer computer, its contents, or environment which can be automatically evaluated by comparing said assertion with said advice consumer computer's actual state"; and

8

"a message associated with said relevance clause whose suitability for the consumer is determined at least partially by the evaluation of said relevance clause".

As well, Ferguson does not teach, *inter alia*, "a watcher for evaluating relevance
5   clauses by comparing them with an actual state of an advice consumer environment, and by inspecting properties of said advice consumer computer and its environment and checking if these point towards or away from relevance; and

a notifier for displaying messages to an advice consumer under at least partial guidance of an evaluated relevance clause."
10

Furthermore, there is no suggestion, express or implied, that Ferguson be modified to meet Claim 15. It would therefore take significant modification and undue experimentation, not taught or suggested by Ferguson, to meet Claim 15.

15   Applicant therefore submits that Claim 15 overcomes any rejection under 35 U.S.C. §103(a) as being unpatentable over Ferguson. As Claims 16 depends from Claim 15, and inherently includes all the limitations of the Claim from which it depends, Claim 16 is seen to be patentable as well.
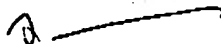
9

CONCLUSION

Applicant also respectfully submits that Claims 1-16 overcome the rejections set forth in the Office Action. Applicant also submits that the amendments do not introduce new matter into the Application. Based on the foregoing, Applicant

5   considers the invention to be in condition for allowance. Applicant earnestly solicits the Examiner's withdrawal of the rejections set forth in the prior Office Action, such that a Notice of Allowance is forwarded to Applicant, and the present application is therefore allowed to issue as a United States Patent.

10   Respectfully Submitted,

                                            Michael A. Glenn
                                            Reg. No. 30,176

15

     Customer No. 22862

10